

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS TOMAS GARCIA,

Petitioner,

No. CIV S-04-1779 MCE DAD P

vs.

KATHY MENDOZA-POWERS, et al.,

Respondents.

ORDER

Petitioner is a state prisoner proceeding pro se with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the failure of the Board of Parole Hearings to find him suitable for parole at a parole suitability hearing held on November 27, 2001. One of petitioner's claims is that his constitutional rights were violated because the Board disregarded regulations ensuring fair suitability hearings and instead operated under a policy that all murderers be found unsuitable for parole. Good cause appearing, respondent will be directed to inform the court of whether petitioner has had any parole suitability hearings subsequent to November 27, 2001, the outcome(s) of those hearings, if any, and to provide evidence of the same.

Accordingly, IT IS HEREBY ORDERED that, within ten days from the date of this order, respondent shall inform the court and provide evidence of whether petitioner has had

any parole suitability hearings subsequent to November 27, 2001 and the outcome(s) of those hearings, if any.

DATED: June 30, 2008.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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